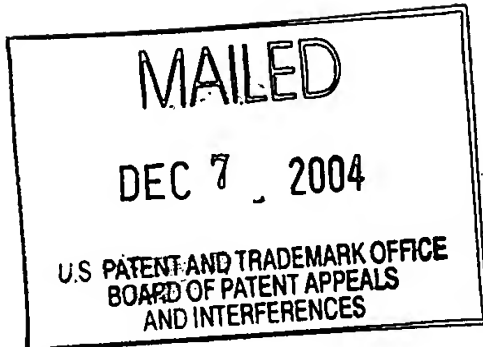


UNITED STATES PATENT AND TRADEMARK OFFICE



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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte RICHARD W. DUCE, KATHRYN M. McCAULEY  
and RICHARD C. KUISELL

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Application 10/089,260

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ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

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This application was electronically received at the Board of Patent Appeals and Interferences on October 26, 2004. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

An Information Disclosure Statement (IDS) was filed April 15, 2004. It is not apparent from the record that the examiner considered the statement submitted nor notified applicants of why his submission did not meet the criteria set forth in 37 CFR §§ 1.97 and 1.98.

Application 10/089,260

Accordingly, it is

**ORDERED** that the application is being electronically returned to the Examiner for such consideration of the Information Disclosure Statement filed April 15, 2004, and for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By:



CRAIG FEINBERG  
Program and Resource Administrator  
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gjh  
RA04-0858